

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Oregon

Raymond Ball, an individual, and Joseph Toth, an individual,

Plaintiff(s)

v.

Matthew Carson, and individual,

FOR OTHER PARTIES SEE ATTACHED LIST

Defendant(s)

Civil Action No. 3:19-CV-00242-HZ

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* DG Rollins Mining, LLC
Jerome Garth Kighlinger, Registered Agent
3600 Crates Way, Suite 300
The Dalles, OR 97058

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Daniel C. Peterson
Cosgrave Vergeer Kester
900 SW Fifth Avenue, 24th Floor
Portland, OR 97204

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. 3:19-CV-00242-HZ

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Daniel C. Peterson, OSB No. 064664
e-mail: dpeterson@cosgravelaw.com
Amber A. Beyer, OSB No. 173045
e-mail: abeyer@cosgravelaw.com
COSGRAVE VERGEER KESTER LLP
900 SW Fifth Avenue, Suite 2400
Portland, Oregon 97204
Telephone: (503) 323-9000
Facsimile: (503) 323-9019

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

RAYMOND BALL, an individual, and JOSEPH
TOTH, an individual,

Plaintiffs,

v.

MATTHEW CARSON, an individual,
WILLIAM CARSON, an individual,
TERRANCE THURBER, an individual,
THOMAS THURBER, an individual, DG
ROLLINS MINING, LLC, a Wyoming limited
liability company, COLUMBIA GORGE DATA
CENTER, LLC, a Nevada limited liability
company, WHC & SWC INVESTMENTS, LTD,
a Texas limited partnership, INTELLIGENT
INVESTMENTS, LLC, a Texas limited liability
company, and SNICKERS #1, LLC, a Texas
limited liability company,

Defendants.

Case No. 3:19-cv-00242-HZ